UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,829	02/05/2004	Robert S. Cooper	114.0005	6010

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PRIEST & GOLDSTEIN PLLC
5015 SOUTHPARK DRIVE
SUITE 230
DURHAM, NC 27713-7736

EXAMINER
KOVACEK, DAVID M

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _05 August 2008_.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-16_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-16_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This Office Action is response to applicant's Amendment, filed 08/05/2008, in

which the applicant amends **claims 1-2**, **11** and **13**, and provides arguments for

patentability over the cited prior art.

Response to Amendment

2.   The applicant's amendments to **claims 1-2**, **11** and **13** have been considered

and are accepted. It is noted by the examiner that formal acceptance of the conditions

of the claims is not an indication of allowability of the claims over the prior art.

Appropriate rejections are included in this Office Action in the relevant sections below.

It is noted by the examiner that the current amendments substantially change the scope

of the limitations of the claims as previously presented.

Response to Arguments

3.   Applicant's arguments filed 08/05/2008 have been fully considered but they are

not persuasive.

Specifically, the applicant's sole argument seems to be that the teachings of

Cohen (US Patent 6,560,576; cited previously) in combination with the teachings of

Surace (US Patent 6,144,938) are insufficient to render obvious the limitation of **claim 1**

comprising:

- to identify both an overall experience level of a user
  with the system and an experience level with the
  function (Remarks of 08/05/2008: Page 7, paragraph 01), in both a
  system and a method for performing the tasks of the implemented system

However, the examiner contends that this limitation is not significantly different in scope than the now removed limitation of "to identify an experience level of a user relating to a user's relative familiarity or unfamiliarity with the function being performed." In particular, the examiner contends that the measurement of "familiarity" with a specific function of a system inherently includes some measurement of the "familiarity" with the overall system. It is further noted by the examiner that the previously cited reference of Cohen include teachings directed to determining a user familiarity with the invention disclosed [maintaining a usage history; tracking number of session with voice browser; tracking number of times specific content is requested] (Col. 8, lines 11-15, 22-23, 52-53, 60).

Additionally, the examiner notes that a similar disclosure of Surace was specifically cited in the previous rejection as well [rules for controlling interface based on user experience] (Col. 1, lines 61-63; Col. 9, lines 13-24; Claims 29, 66).

It is finally noted by the examiner that the applicant has provided no arguments or rationale directed to discriminating the teachings of Cohen, Surace, or Cohen in combination with Surace as previously cited from the limitations of the claims of the instant application. Therefore, the applicant's arguments fail to comply with 37

CFR 1.111(b) because they amount to a general allegation that the claims define a

patentable invention without specifically pointing out how the language of the claims

patentably distinguishes them from the references.

The applicant further contends that the teachings of Surace are deficient

because "[t]he length of…personalized responses does not appear related to the user's

expertise." However, it is noted by the examiner that the teachings of Surace explicitly

include a determination of "output prompts of an appropriate length" (Col. 9, lines 10-

24), which are in fact chosen based upon rules that dictate prompts to the user based

upon how much "help" the user needs. The examiner maintains that this disclosure of

Surace is directly applicable to the limitations of **claim 1** directed to adjusting the length

of a user prompt based upon user experience. The examiner further notes that the

applicant has not provided any further argument or rationale directed to discriminating

the teachings of Surace from the limitations in question of **claim 1**. Therefore, the

applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a

general allegation that the claims define a patentable invention without specifically

pointing out how the language of the claims patentably distinguishes them from the

references.

For at least the above reasons, the applicant's arguments are found to be non-

persuasive.

Claim Rejections - 35 USC § 103

4.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

5.   **Claims 1-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Cohen (US Patent 6,560,576), in view of US Patent 6,144,938, hereinafter referred to

as Surace.

Regarding **claim 1**, Cohen discloses a voice [speech] recognition system

comprising:

- a plurality of modules for receiving voice inputs from

a user and performing services in response (Fig. 1, item 2; Fig. 2; Col. 4,

lines 13-15; Col. 4, lines 31-32; Col. 4, lines 53-57); and

- a prompt selection module [voice browser] for selecting a

prompt for presentation to a user (Col. 3, lines 26-31; Fig. 4; Fig. 5),

- the module being operative to identify both an overall

experience level of a user with the system [number of session a given

user has had with the voice browser] (Col. 8, lines 11-15, 22-23, 60) and an

experience level with the function [number of times the user has used the

browser to request any type of content during the session] (Col. 8, lines 11-15, 52-53)

and select a prompt appropriate to the user's experience level

(Col. 5, lines 48-55).

Cohen further renders obvious the limitation of `selection of prompts tending to favor the presentation of more abbreviated prompts to users with greater experience levels` in disclosing the selection of a prompt appropriate to the user's experience level (Col. 5, lines 48-55) and also providing an example of a situation where the system is operable to accept abbreviated commands from the user [bookmarks followed by a name] (Col. 14, lines 52-58).

To modify Cohen's teachings to accommodate a more experienced user with abbreviated help prompts is obvious because the system is designed to allow for abbreviated input and therefore it is within the expectation of success of one of ordinary skill in the art to allow for abbreviated output to increase the efficiency of help prompts for experienced technical users. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Cohen to include abbreviated output prompts in addition to the existing abbreviated input command options in order to facilitate more efficient usage of the system for an experienced user.

Cohen further suggests the limitation of `selection of prompts tending to favor the presentation of more abbreviated prompts to users with greater experience levels` in disclosing the selection of a prompt appropriate to the user's experience level (Col. 5, lines 48-55) and also providing an example of a situation where the system is operable to accept abbreviated commands from the user [bookmarks followed by a name] (Col. 14, lines 52-58).

While Cohen does not explicitly disclose, Surace discloses the prompt

selection module [personality engine] being operative to identify both

an overall experience level of a user with the system and an

experience level with the function [expert/novice rules; particular user's

expertise based on...the user's experience] and select a prompt appropriate

to the user's experience level, selection of prompts tending to

favor the presentation of more abbreviated prompts to users with

greater experience levels [less helpful prompting; outputs prompts of an

appropriate length]   (Col. 1, lines 61-63; Col. 9, lines 09-24; Claims 29, 66).

Surace further discloses the limitation of a prompt being a message from

the system to the user calling for a user input appropriate to

the function being performed [context-sensitive], the prompt

indicating the function being performed [informing user of present state]

(Col. 4, lines 29-33; Col. 5, lines 31-48; Col. 9, lines 47-57; Col. 10, lines 47-59).

The two references are combinable because each is directed to a dialogue

management system accessible via telephone network. Surace further provides

motivation to combine the references in disclosing the usefulness of a variety of

dialogue personalities in order to increase the user's awareness of the conditions of

system operation (Col. 3, lines 23-36).

Therefore, the examiner contends that it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify the teachings of

Cohen using the teachings of Surace in order to implement a dialogue management

system accessible via telephone network that utilizes dialogue personalities in order to increase the user's awareness of the conditions of system operation.

Regarding **claim 2**, Cohen in view of Surace teaches all limitations of **claim 1** as applied above, and Cohen further discloses:

- a user information database [usage history] storing user records including a function usage fully indicating the number of times the user has successfully performed the function [number of times the user has used the browser to request any type of content] (Col. 8, lines 11-15, 22-23, 52-53, 60)

- the selection of a prompt is based upon the module and function being used (Col. 5, lines 48-55; Col. 5, line 63-Col. 6, line 10; Col. 6, lines 33-37).

Regarding **claim 3**, Cohen in view of Surace teaches all limitations of **claim 2** as applied above, and Cohen further discloses a module incorporating a prompt selection module to select prompts for that module (Col. 5, lines 63-67; Col. 6, lines 1-5; Col. 6, lines 7-10; Col. 6, lines 33-37).

It is noted by the examiner that Cohen only discloses a module in the context of the embodiment of a voice browser. It is additionally noted by the examiner that though

Cohen does not explicitly state the existence of a prompt selection module, the disclosure of prompt selection inherently requires some implementation to achieve this. It is further noted that any such implementation would be considered synonymous with the broadest reasonable interpretation of a "prompt selection module" by one of ordinary skill in the art.

Regarding **claim 4**, Cohen in view of Surace teaches all limitations of **claim 3** as applied above, and Cohen further discloses prompt selection for each module identifies the function for which prompting is needed and selects from among prompts associated with that function (Col. 5, lines 63-67; Col. 6, lines 1-5).

It is noted by the examiner that this is inherently required of any implementation that is operable to determine a user's first use of a feature as disclosed by Cohen.

Regarding **claim 5**, Cohen in view of Surace teaches all limitations of **claim 4** as applied above, and Cohen further discloses user information indicating the user's proficiency in using the system (Col. 5, lines 49-55).

It is noted by the examiner that this limitation is inherently required of any system that is operable to distinguish the user as being of "novice" or "expert" skill level as disclosed by Cohen.

Regarding **claim 6**, Cohen in view of Surace teaches all limitations of **claim 5** as

applied above, and Cohen further discloses information indicating the user's proficiency

includes information indicating the user's proficiency with each function that is available

to the user (Col. 5, lines 49-55; Col. 8, lines 11-15).

It is noted by the examiner that this limitation is inherently required of any system

that is operable to distinguish the user as being of "novice" or "expert" skill level with

regard to a particular function as disclosed by Cohen.

Regarding **claim 7**, Cohen teaches all limitations of **claim 6** as applied above,

and further discloses information indicating a function usage tally for each function

indicating a number of times the user has successfully employed the function (Col. 5,

lines 63-67; Col. 6, lines 1-10; Col. 6, lines 33-37; Col. 8, lines 11-15; Col. 8, lines 22-

23; Col. 8, lines 53-64).

It is noted by the examiner that "dialog state", as determined in Cohen, is

understood to be an exchange of data between the user and an active module. This will

be the definition of "dialog state" applied throughout the remainder of this document.

It is further noted by the examiner that Cohen's disclosure of a "usage history

that tracks the dialog states of the user" (Col. 8, lines 12-13) would be understood by

one of ordinary skill in the art to include data regarding each of the functions used. One

of ordinary skill in the art would interpret a "function usage tally" to be a subset of this

data.

Regarding **claim 8**, Cohen in view of Surace teaches all limitations of **claim 7** as applied above, and Cohen further discloses the prompt selection being used employs the function usage tally for a function to determine a user experience category for the user with respect to that function (Col. 5, lines 50-51; Col. 5, lines 63-65; Col. 8, lines 22-23; Col. 8, lines 11-15).

It is noted by the examiner that this is explicitly disclosed in Cohen by regarding any user with a functional usage tally indicating less than one use of a given function to belong to the "novice" experience category.

Regarding **claim 9**, this claim is very similar to **claim 8** and is rejected for the same reasons.

Regarding **claim 10**, Cohen in view of Surace teaches all limitations of **claim 9** as applied above, Cohen and additionally discloses the prompt selection selects a prompt associated with the user experience category (Col. 5, lines 50-55).

Regarding **claim 11**, Cohen discloses a prompt selection comprising:

- `identifying a module and function of a speech recognition system being employed when a need for user prompting arises` (Col. 5, lines 50-55);

- identifying both a user experience level for the
system [number of session a given user has had] and for the function
[number of times the user has used the browser to request any type of content] (Col. 5,
lines 50-55; Col. 5, line 63-Col.6, line 11; Col. 6, lines 33-37; Col. 8, lines 11-15, 22-23,
52-53, 60); and

- selecting a prompt appropriate for the user experience
level for the function (Col. 5, lines 50-55; Col. 5, line-Col. 6, line 11; Col. 6,
lines 33-37).

It is noted by the examiner that the identification of the employed module and
function is inherent in the disclosure of Cohen as applied above for **claim 4**. It is further
noted by the examiner that identifying a user experience level for a function is inherent
in the disclosure of Cohen as applied for **claims 5** and **6** above.

Cohen further suggests the limitation of selection of prompts tending
to favor the presentation of more abbreviated prompts to users
with greater experience levels in disclosing the selection of a prompt
appropriate to the user's experience level (Col. 5, lines 48-55) and also providing an
example of a situation where the system is operable to accept abbreviated commands
from the user [bookmarks followed by a name] (Col. 14, lines 52-58).

While Cohen does not explicitly disclose, Surace discloses selecting a
prompt appropriate to the user's experience level for the
function [output of prompts according to expert/novice rules]... selecting a
prompt tending to favor the presentation of more abbreviated

prompts to users with greater experience levels [less helpful

prompting] while favoring the presentation of more elaborate

prompts providing greater detail about the nature of input

needed for users with lower experience levels [outputs prompts of an

appropriate length]   (Col. 1, lines 61-63; Col. 9, lines 09-24; Claims 29, 66).

Surace further discloses the limitation of the prompt being a message

from the system to the user calling for a user input appropriate

to the function being performed [context-sensitive], the prompt to the

user indicating the function being performed [informing user of present

state] (Col. 4, lines 29-33; Col. 5, lines 31-48; Col. 9, lines 47-57; Col. 10, lines 47-59).

The two references are combinable because each is directed to a dialogue

management system accessible via telephone network. Surace further provides

motivation to combine the references in disclosing the usefulness of a variety of

dialogue personalities in order to increase the user's awareness of the conditions of

system operation (Col. 3, lines 23-36).

Therefore, the examiner contends that it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify the teachings of

Cohen using the teachings of Surace in order to implement a dialogue management

system accessible via telephone network that utilizes dialogue personalities in order to

increase the user's awareness of the conditions of system operation.

Regarding **claim 12**, Cohen in view of Surace teaches all limitations of **claim 11** as applied above, and Cohen further discloses the step of identifying the user experience level is followed by a step of identifying the user as belonging to a particular experience category and the step of selecting a prompt includes selecting a prompt associated with the experience category to which the user belongs (Fig. 4; Fig. 5; Col. 5, lines 50-55; Col. 8, lines 65-66; Col. 9, lines 22-23).

It is noted by the examiner that this limitation is inherent in the disclosure of Cohen as illustrated for **claims 5**, **6**, and **8** above.

Regarding **claim 13**, Cohen in view of Surace teaches all limitations of **claim 12** as applied above, and Cohen further discloses the identifying the user experience category for a function includes examining user information for that function retrieved from a voice information database [usage history] (Col. 8, lines 11-15; Col. 8, lines 65-66; Col. 9, lines 22-23), the user experience information for the function includes a function usage tally indicating a number of times the function has been successfully invoked by the user (Col. 5, lines 49-51; Col. 8, lines 11-15; Col. 8, lines 52-53).

Regarding **claim 14**, Cohen in view of Surace teaches all limitations of **claim 13** as applied above, and Cohen further discloses that identifying the user experience category for a function includes assigning the user to an experience category

associated with a range of unction usage tally values within which the user's function

usage tally for the function falls (Col. 5, lines 49-55).

It is noted by the examiner that this limitation is inherent to the disclosure of

Cohen as illustrated for **claims 8** and **9** above.

Regarding **claim 15**, Cohen in view of Surace teaches all limitations of **claim 14**

as applied above, and Cohen further discloses updating the user information for each

function whenever the user successfully invokes the function (Col. 8, lines 11-15; Col. 8,

lines 52-53).

It is noted by the examiner that one of ordinary skill of the art would consider

"usage history" as disclosed by Cohen to be updated upon any changes in relevant

data, including the successful usage of a function by the user.

Regarding **claim 16**, this claim is very similar to **claim 15** and is rejected for the

same reasons.

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to David Kovacek whose telephone number is (571)270-

3135. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Talivaldis Ivars Smits/
Primary Examiner, Art Unit 2626

DMK, 11/07/2008